

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

APRIL 6, 2009

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

#### Present:

Chairman Harold Sanger  
Steve Lichtenfeld, Aldermanic Representative  
Craig Owens, City Manager  
Jim Liberman  
Marc Lopata  
Scott Wilson  
Ron Reim

#### Absent:

None

#### Also Present:

Kevin O'Keefe, City Attorney  
Catherine Powers, Director of Planning & Development Services  
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

#### MINUTES

The minutes of the March 16, 2009 meeting were presented for approval. The minutes were approved, after having been previously distributed to each member.

#### REQUEST FOR EXTENSIONS OF THE SITE PLAN APPROVAL AND ARCHITECTURAL REVIEW APPROVAL – TRIANON (ORCHARD) PROJECT – 7454 FORSYTH BLVD.

Ellen Reed with Orchard Development was in attendance at the meeting.

Catherine Powers explained that the first request is for an extension of the site plan approval for the Trianon Project, which project consists of the following:

**Condo Tower Building** – the tower building, located at the rear of the site contains 175 units and 8,200 square feet of ground floor retail space.

**Apartment Building** – the building fronting Forsyth and the Forest Park Parkway measures approximately 6 stories (or 79-feet in height along Forsyth) and contains 25,300 (19,577 leasable) square feet of street level retail and 175 apartment units.

Catherine stated that the entire project consists of 350 residential units and 33,500 square feet of retail use and that the total square footage of the project, including parking and mechanical uses, is 760,000. The Plan Commission approved the amended site plan for this project at its meeting of March 17, 2008. Catherine indicated that the City's Zoning Ordinance specifies that site plan approvals expire one-year from the time of approval by the Plan Commission if building permits are not applied for within that time frame; however, according to the Zoning Ordinance, the applicant may request an extension to the time limit on such approvals by submitting a written request to the Director of Planning and Development Services prior to the expiration of said approvals. Catherine stated that Orchard Development Group submitted a written request to the Director of Planning and Development Services officially requesting an extension of the approval of the site plan, which must now be approved at the sole discretion of the Plan Commission. Catherine advised the members that the Board of Aldermen approved an extension of time for the Planned Unit Development approval at its meeting of March 24, 2009. Staff is requesting that all extension dates be consistent with the Planned Unit Development and asked that the Commission approve an extension of the site plan approval until March 24, 2010.

Chairman Sanger asked if there are any changes to the previously approved site plan.

Catherine Powers replied "no".

Ms. Reed commented that they are waiting for the financial market to stabilize. She indicated that they have sold 50% of the units and that everyone is still very committed to the project.

Chairman Sanger asked if there were any questions or comments from the members or the audience.

None were received.

Being no questions or comments, Jim Liberman made a motion to approve the extension of the site plan approval until March 24, 2010. The motion was seconded by Steve Lichtenfeld and unanimously approved by the members.

Catherine Powers indicated that the second request is for approval of an extension of the Architectural Review Board approval for the Trianon Project, consisting of two (2) buildings: a 26 story residential tower including 5 levels of above ground parking, a lobby level and 20 stories of residential condominiums and a 6 story building containing 175 apartments and 25,300 gross square feet of retail with a plaza at the intersection of Carondelet and Forsyth. Catherine

reminded everyone that the apartment facility will be constructed of brick and stone with metal panels under the windows. There is a curve to the building which follows the movement of the street. The roofline is a stone material and protrudes from the building, providing an articulation that works well with the design. The retail is glass storefront with entrances off Forsyth. An aluminum sign band is depicted on the plans, but not fully articulated. There is a public plaza at the corner of Forsyth and Carondelet which features outdoor dining for an adjacent restaurant space as well as a sitting area for the public. A water feature, which is incorporated into the plaza area, is being considered public art and will be resubmitted in final form to the Architectural Review Board after Art Commission review. There is a linkage between Carondelet and Forsyth that appears to be a stairway entry off Forsyth leading to the parking garage and auto court. Catherine noted that the Architectural Review Board approved this amended project at its March 17, 2008 meeting and that the City's Zoning Ordinance specifies that Architectural Review Board approvals expire one year from date of approval unless a Building Permit has been issued, which is not currently the case for this project. However, according to the Zoning Ordinance, the applicant may request an extension to the time limit on such approvals by submitting a written request to the Director of Planning and Development Services prior to the expiration of said approvals. Orchard Development Group has submitted a written request to the Director of Planning and Development Services officially requesting an extension of the approval for Architectural Review, which must now be approved at the sole discretion of the Architectural Review Board. Staff is requesting that all extensions be consistent with the Planned Unit Development (PUD) extension approved by the Board of Aldermen on March 24, 2009. Catherine stated that staff is asking for an extension of the ARB approval concurrent with the PUD extension until March 24, 2010.

Chairman Sanger asked if there are any architectural changes to the previously approved project.

Catherine Powers replied "no"; she stated that the plan remains the same.

Being no questions or comments, Jim Liberman made a motion to extend the Architectural Review Board approval until March 24, 2010. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

#### ARCHITECTURAL REVIEW – ADDITION TO SINGLE FAMILY RESIDENCE – 6401 ELLENWOOD

Paul Fendler, project architect, was in attendance at the meeting.

Catherine Powers explained that the one story addition will be located on the rear of the house and that an existing portion of the building (garage) will be removed to accommodate the addition. The existing home is a brick, approximately 4,000 square foot (including basement) two-story structure located in the Tesson Subdivision. The proposed addition measures approximately 812 square feet. Catherine noted that site plan review is not required because the addition is less than 50% of the square footage of the existing structure. The addition is mixed red brick to match the existing residence and that detailing, including the brick quoins and cornices, will match features on the existing residence. A rubble stone foundation is proposed to match existing. The windows

are proposed to be a wood double hung white in color to match existing. The height of the addition will be 16.25 feet from grade to the top of the flat roof. Catherine stated that the driveway will remain and while the existing garage is being eliminated, the architect has indicated that the owners will be applying for a detached garage at a later date. The proposed HVAC units are shown on the roof of the addition concealed by the parapet and a portion of the existing structure. Trash will be stored within an enclosure located off the driveway and screened with a stone wall and wood gates. Existing impervious coverage is shown at 36%. After completion of the addition, the impervious coverage is shown to be reduced to 35%. The plans, as shown, comply with impervious coverage and setback provisions of the Zoning Ordinance. Catherine stated that the addition represents a high quality design and matches features of the existing structure and staff recommends approval as submitted.

Mr. Fendler commented that staff provided a detailed description of the proposed project. He indicated that the existing addition to be removed represents about 1,000 square feet and that the new addition is about 812 square feet. He noted that Phase II of the project, to be submitted at a later date, will include a new detached garage which will require site plan approval.

Samples of the windows (wood Marvin) and brick (salvaged) were shown. Mr. Fendler indicated that the existing brick will be re-used for this new addition.

Steve Lichtenfeld commented that the chimney does not seem very high.

Mr. Fendler indicated that it is about 21' from the house and that they are taking it up a bit higher than recommended.

Chairman Sanger asked if they are exceeding the minimum requirement.

Mr. Fendler replied "yes".

Marc Lopata asked about the change in impervious coverage.

Mr. Fendler indicated that they could build up to an additional 2,000 square feet without exceeding the maximum allowable coverage.

Marc Lopata asked the coverage they anticipate once the new detached garage is constructed.

Mr. Fendler stated he did not have that specific information, but the owners will want a rather large garage; somewhere around 1,200 to 1,400 square feet, which should bring the percentage of coverage to the low to mid 40s.

Marc Lopata asked why site plan review is not being conducted at this time, since a garage is forthcoming.

Catherine Powers stated that at this time, the City only has the application that is before them and that this project cannot be held up because of something that may or may not be submitted in the future.

Chairman Sanger indicated that he would prefer not to hypothesize and that the Board needs to only consider what is before them at this time.

Being no further questions or comments from the members or questions or comments from the audience, Scott Wilson made a motion to approve as submitted. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

CONCEPTUAL REVIEW – MIXED-USE PLANNED UNIT DEVELOPMENT (PUD)  
PROJECT – MERAMEC PLACE – 201, 211 & 215 NORTH MERAMEC AVENUE AND  
8015 – 8021 PERSHING DRIVE

Craig Saur, developer (Conrad Properties/River Landing), Bryce Mosher, project manager (Conrad Properties) and David Suttle (Suttle-Mindlin), project architect, were in attendance at the meeting.

Catherine Powers explained that Conrad Properties (River Landing, LLC) has requested conceptual review of a mixed-use project to be located on the northwest corner of Meramec and Pershing. She reiterated that this review is conceptual only at this point and that as such, nothing is binding on the applicant or the City. She stated that the site would consolidate four parcels, 8015 Pershing, 201, 211 and 215 North Meramec into one parcel totaling 1.45 acres. Catherine noted that Conrad Properties previously presented conceptual plans (in November 2007) for a mixed-use Planned Unit Development (PUD) consisting of a 10-story residential building featuring approximately 132 apartment units and a 4-story, 84,000 square foot office building. Proposed parking totaled 300 shared spaces in an underground parking garage beneath the office building and 25 additional spaces on the main level of the office building. Since that time, the project has changed and the developer is requesting another conceptual review. The developer has submitted applications and plans for staff review and that process is currently in progress. The proposed PUD consists of a 10-story, 112.33 foot tall residential building featuring 167 apartment units and 20,012 square feet of office space located on a portion of the two lower levels. Parking will consist of 257 shared spaces in a parking garage on the west end of the site facing Pershing. The project will require a public hearing for the rezoning of the west portion of the project to accommodate the parking garage from R-4 residential to C-2 commercial as well as a rezoning for the entire project to a Planned Unit Development (PUD).

As currently proposed, the project will require the following zoning waivers:

- Height—limitation of 7 stories to allow the 10 story (112-feet) residential building.
- Approval of the shared parking concept to allow a reduction of the total required number of off-street parking spaces (401 required; 257 proposed)
- Floor Area Ratio (FAR) limit of 1.5. (Proposed FAR is 3.63).
- C-2 Front Yard Setback fronting Pershing (required 29.5; proposed 10.0)

Catherine noted that the residential and office building will be constructed primarily of glass with balconies. A small portion of the lower levels are proposed using brick. The garage is shown using brick and pre-cast concrete with a textured finish. Staff has concerns that the proposed shared parking plan will encourage on-street parking in the surrounding residential neighborhood, the proximity of the parking garage to the residential condominium building to the west, and the small amount of open space proposed for buffering from adjacent, less intensive residential uses. Catherine asked that the members to review the proposal and provide the developer input.

Mr. Saur introduced Bryce Mosher and David Suttle to the members. He advised the members that after the previous conceptual presentation in November, 2007, they went back to the drawing board and now have a new project to present.

Mr. Saur began a PowerPoint presentation. A slide depicting the affected parcels and a slide depicting site photos were presented. He indicated that there were three major concerns raised during their November presentation as follows: parking, bulk and height. He stated that a parking garage has been added and office space reduced in an effort to mitigate parking concerns. He stated that the proposed garage is an open air structure and that shared parking will be utilized. He advised the members that they based their number of parking spaces using the ULI formula for parking and came up with a total number of 250 spaces.

Mr. Saur indicated that with regard to bulk and height, the 10 story building is now more visible from Meramec and will be constructed of glass rather than brick and that the detached garage structure will be located to the west of the residential building.

A slide depicting a massing study was presented. Mr. Saur commented that the Zoning Ordinance would allow a 90' in height office building with a 5' side yard setback. He stated that the residential building will contain a mixture of 1, 2 & 3 bedroom units and the garage will contain 257 parking spaces.

Chairman Sanger asked how the number of parking spaces can be determined if the use is not known.

Mr. Saur stated that the project contains no retail; only commercial/office.

Mr. Suttle presented slides depicting various color renderings. He stated that the use of glass will provide a clean, attractive look to the building. Slides depicting various elevations as well as context elevations were also presented. He stated that there will be a courtyard on the right side at the rear that will have access to the street and that the project will incorporate the City's landscape theme, as they believe that to be appropriate for this project. A slide depicting a typical floor plan was presented.

Chairman Sanger asked staff what the City's parking requirements would be for this project.

Catherine Powers indicated that the zoning regulations require 2 spaces for each residential unit and 1 space for each 300 square feet of gross floor area for the commercial/office for a total for this project of 401 spaces.

Steve Lichtenfeld asked about a traffic study.

Catherine Powers informed the members that the City has an updated traffic report.

Mr. Saur commented that the previous proposal also called for a 10 story residential building; they simply re-oriented the building.

Chairman Sanger asked if all other buildings on North Meramec top out at 7 stories.

Catherine Powers replied “yes”.

Jason Jaggi commented that no other buildings on North Meramec are this tall.

Steve Lichtenfeld voiced his concerns regarding the height of the residential tower, the mass of the garage, “throwing” traffic out onto Pershing and parking on residential streets.

Mr. Saur indicated that they do not want to under-park this project as that would not be beneficial to them. He stated that it would be easier to park at the 165 N. Meramec building than it would be to park on the streets.

Chairman Sanger asked if this is a shared parking situation.

Mr. Saur replied “yes”. He stated that they followed the ULI study.

Chairman Sanger asked if the parking spaces are to be assigned.

Mr. Saur replied “no”.

Chairman Sanger mentioned that tenants of a 3 bedroom unit may have 3 vehicles, tenants of a 1 or 2 bedroom unit may have 2 vehicles.

Mr. Saur stated that they can use an entry system and limit the number of vehicles.

Mr. Mosher agreed. He stated that they can limit the vehicles to one for 1 bedroom units and to two for 2 and 3 bedroom units.

Catherine Powers advised the members that the traffic report mentioned walkability to a transport system, which is of concern to staff as this property is not located in a Transit Oriented Development (TOD) District.

Chairman Sanger asked if the tenants will be charged for parking.

Mr. Mosher indicated that parking will be addressed in the lease.

Catherine Powers mentioned that staff is under the impression that tenants will be charged for any spaces above one space and that the office tenants will be charged for parking.

Mr. Saur indicated that the units will rent between \$1,500 and \$3,500/month.

Jim Liberman asked what time of year the shadow study was conducted.

Mr. Mosher indicated that it was conducted in October.

Jim Liberman commented that the neighborhood to the west will be more adversely impacted during the latter months of the year.

Mr. Saur indicated that he believes the sun heads more to the south during the latter months.

Marc Lopata indicated that the proposal is still for a 10 story building. He asked if this proposed building is the same height as the previously proposed 10 story building.

Mr. Saur indicated that it is within 5 feet of the previous proposal.

Marc Lopata referenced the absence of first floor retail.

Mr. Saur stated that it was determined that retail would not be viable on that portion of North Meramec.

Marc Lopata stated that he is looking for the project to offer up something in exchange for the concessions. He stated that for him, retail on the first floor is essential. He asked about cooling towers.

Mr. Saur indicated that residential systems will be located on the balconies and that he is not yet sure about the office cooling system.

Marc Lopata asked about heat loss.

Mr. Mosher replied “off the balconies”.

Marc Lopata asked about the A/C units.

Mr. Mosher stated that they will most likely be in an unconditioned closet.

Marc Lopata indicated that he would prefer they be in a conditioned space and suggested the installation of a central plant to heat and cool the building. He then asked if the project will be LEED Certified.

Mr. Saur stated that they plan to do LEED Certification.

Marc Lopata asked what Level of Service they have planned for parking.



Mr. Mosher indicated that the parking spaces will be 9' wide.

Mr. Saur indicated that 9' is the standard width for parking space.

Marc Lopata suggested they go with "B" level, as that level would be most appropriate.

Scott Wilson commented that it was mentioned that changing the building from brick to glass would minimize massing. He stated that North Meramec is a brick street and that this much glass will stick out like a sore thumb and is out of character.

Mr. Suttle stated that glass gives the building a lighter quality and that the degree of glass inside the living space is exciting and marketable.

Ron Reim asked what the solution would be if it is decided that 257 parking spaces is not enough.

Mr. Mosher stated that additional parking is a cost issue and they do not want to build a garage that won't be used. He stated that they will encourage people to use alternate methods of transportation.

Mr. Saur commented that if more parking is required, he does not know what they would do at this point.

A discussion regarding the details of the garage ensued. It was asked if this is a 3 level garage and if there could be an issue with pedestrians and vehicles intersecting within the garage.

Mr. Saur indicated that the garage has a parking deck on top. He stated that he does not believe that vehicles and pedestrians intersecting will be an issue.

Marc Lopata advised Mr. Saur to ensure that the pedestrian walkway is far enough back so as not to create a problem.

Mr. Suttle indicated that the garage contains a continuous spiral so there is no confusion.

Chairman Sanger asked what level of the garage a motorist will be on when they enter the garage from N. Meramec.

Mr. Saur replied "3<sup>rd</sup> level". He stated that one could go up to the parking deck or go down to lower levels of the garage.

Mr. Suttle indicated that the parking deck creates the 4<sup>th</sup> level; the three levels will be enclosed.

Chairman Sanger asked if those three levels will have openings.

Mr. Suttle replied “yes”.

Steve Lichtenfeld asked to see the south elevation slide again. He stated that it appears that the condominium building on the west completely faces the garage and that the garage seems to crowd that building.

Mr. Saur stated that their building was built within 3 feet of the property line. He stated that their garage is further away from the property line and shorter than what is allowed per the zoning requirements.

Ron Reim asked about the waivers they are asking for.

Mr. Saur stated that they have reduced the office space and have oriented the height and mass of the building more towards Meramec. He advised the members that they met with the Aldermen who raised concern about the garage setback and they since have pulled the building back 10 feet.

Scott Wilson commented that if any given evening, all tenants are at home (2 cars/unit), there would be a parking shortfall of 70+ spaces which would result in vehicles being spilled onto the streets.

Mr. Saur stated that there is a lot of street parking available on Meramec as well as a number of adjacent office buildings that are empty at night.

Scott Wilson asked if those spaces in the office buildings are available to others.

Mr. Saur stated that the tenants would have to talk to the building owners to use their parking.

Catherine Powers stated that those spaces cannot be counted towards parking.

Kevin O’Keefe commented that the City would require a shared parking study for those other buildings if that scenario were utilized.

Mr. Saur indicated that they are currently self-contained per ULI.

Mr. Sandy McClean, 202 N. Brentwood Blvd.(2<sup>nd</sup> Floor), stated that there are 10 units in his 4 story building. He stated that the context elevation as shown in the PowerPoint presentation did not seem accurate and that he believes the vision of the tenants of the 3<sup>rd</sup> and 4<sup>th</sup> floors would be compromised by this development. He stated that the tenants of his building enter and exit off Pershing, which is already a very busy street for as narrow as it is. He stated that there will be a sun reflection problem for the 3<sup>rd</sup> and 4<sup>th</sup> floor residents of his building. He stated he believes the building is too massive for the neighborhood.

Ms. Kathy Bader, 202 N. Brentwood (4<sup>th</sup> Floor) stated that she does not believe the streets or the parking in the area can handle this type of development. She stated that buildings on the west

side of Meramec are not that tall and that the tallest one, 165 N. Meramec, is 6 stories. She stated that she is concerned about the views, traffic and parking.

Chairman Sanger asked if a left turn only out onto Pershing would be beneficial.

Ms. Bader indicated that she is not sure if that would help.

Ms. Judy McClean, 202 N. Brentwood (2<sup>nd</sup> Floor), commented that left turns only would not help as the street won't hold that much traffic and views would be blocked. She stated that the street cannot support this development and it is her opinion that vehicles must go out onto Meramec versus Pershing, even though this will be an issue for Meramec with the stop and go traffic.

Chairman Sanger stated that he believes people will take the path of least resistance. He stated that he would be interested in knowing the parking pressure in the area.

Mr. Thomas Lucas, 8010 Pershing, indicated that he will look out onto a parking garage from several windows of his residence. He asked that the members refer to the written document he prepared (which was e-mailed to the members this afternoon and a paper copy provided at each member's desk) outlining his concerns regarding the project, one being that if an office worker has to pay to park in the garage, he believes that he/she would rather park on the street. He reminded everyone that Pershing is only 25' wide and parking is allowed on one side of the street.

Chairman Sanger asked if residents in his building are parking on Pershing now.

Mr. Lucas indicated that he believes they are. He stated that he is also concerned about the appearance of the parking garage as he will be looking out onto it from his large picture windows. He questions the need for access onto Pershing from the garage. He stated that the 10' setback is also an issue and that the shared parking may work out, but if it doesn't, it cannot be re-done later and we will be stuck with people parking on the streets. He pointed out that no guest parking is being provided for this project.

Chairman Sanger asked if the parking spots on Pershing are filled now.

Mr. Lucas replied "yes". He stated that he is concerned about construction disruption also.

Ms. Cheryl Verde, 334 N. Meramec, advised the members that there are no parking meters in the 300 block of North Meramec and asked that the City require at least 2 parking spaces per unit. She stated that she, too, is concerned with the height of the building and asked that some retail be provided. She stated that she is the President of Old Town Neighborhood Association and asked that the community be engaged in the future.

Mr. Saur stated that they met with Old Town in November and not much has changed since then.

Ms. Verde disagreed. She stated that they met with them in September and the building, now with a glass facade, is different.

Mr. Nick Verde, 334 N. Meramec, stated that Meramec is a very busy street and is the only street, except for Hanley Road, that is a north/south thoroughfare. He asked for no turns between 7 a.m. and 9 a.m. and 4 p.m. to 6 p.m. He stated that he cannot imagine turning from Meramec onto Pershing.

Mr. Mel Disney, Clayton resident, asked if City streetscape is being provided in conjunction with this project.

Mr. Saur stated it is planned for North Meramec.

Mr. Disney asked the process since this is being considered as a Planned Unit Development (PUD).

Chairman Sanger stated that the developer is encouraged to communicate with the neighborhood and also contact the Planning Department to discuss how to move forward.

Mr. Disney asked if certain zoning regulations are waived per the PUD.

Chairman Sanger replied “yes”.

Ms. Joanne Rohret, 8028 Pershing, stated that she will be impacted by noise and traffic, that there is not much parking left on North Meramec and that this development will totally change the neighborhood.

Chairman Sanger asked Mr. Saur his thoughts if the City prohibited a garage entry/exit on Pershing.

Mr. Saur stated that they can look at that. He re-emphasized what could be built there under the current zoning and that the amount of cars being added won't be that drastic. He stated he drives North Meramec and Pershing every day.

Marc Lopata asked the Chairman to summarize the items of concern.

Chairman Sanger stated that a legitimate concern is traffic from Pershing onto Brentwood. He asked that a shadow study with specific times of year (quarterly to include December 21<sup>st</sup>) be provided. He asked that they consider a coffee shop or something of the like to generate foot traffic.

Mr. Saur stated that the hotel across the street will have a coffee shop.

Chairman Sanger stated that other concerns include sun reflecting from the glass building (west side), landscaping and potential problems with the headlights of vehicles that park on the upper deck of the garage.

Ron Reim asked for information pertaining to the ULI parking study as well.

Mr. McClean asked that an accurate representation of their building compared to this new building also be provided.

Steve Lichtenfeld indicated that the Board needs to see what is proposed for the west side of the garage.

Chairman Sanger noted that the Code requires the garage be 50% open. He commented that trade-offs are considered during the PUD process.

Steve Lichtenfeld stated that he is concerned with the height and density of the residential building and believes it will set a precedent for the west side of Meramec.

Marc Lopata asked about LEED Certification. He reiterated his desire for a central plant for the HVAC system.

Mr. Saur thanked the members for their time.

\*\*\*\*\*

Catherine Powers informed the members that staff is still researching other cities with regard to impervious coverage and storm water issues. She stated that staff is completing the process of contracting for a landscape architect (two firms have made the final cut; one of whom is the City's current contracted landscape architect) and will be hiring a summer intern and she hopes to have something for presentation to the Board in June or July for discussion.

Marc Lopata stated that he has been in discussions with Catherine Powers regarding the DeMun Pointe building and that he has been through the building and it didn't appear they were still pursuing LEED Certification. He indicated that they had taken him off the team access on LEED-Online, so he couldn't review their progress.

Chairman Sanger commented that they are advertising this building as a "green building".

Catherine Powers concurred. She indicated that the owners are planning to pursue LEED Certification, but are stalled right now.

Marc stated that the DeMun Pointe building has the absolute lowest possible efficiency water heaters in all the residences and that they have inefficient lighting installed in the common areas and commercial spaces. He stated that the restaurant does not have access to a recycling collection station, which is a violation of the LEED prerequisite; in other words, if there is no recycling station for every occupant, there is no LEED Certification. Marc commented that when My Daddy's Cheesecake came before the Plan Commission for their Conditional Use Permit approval, the applicant indicated that the architect was going to do the space as a LEED for Commercial Interiors, which was not done either. He reminded the members that the developer committed to LEED but did not make a good faith effort to do so. He stated that they will not be able submit this to the US Green Building Council in the future and certify the

building under the New Construction Program without re-constructing to the LEED credit criteria and the only thing they could do at this point is certify under LEED for Existing Buildings, which is not what they said they would do. Marc informed the members that the project is posted on the Clayton website as a green building and that information should be removed from the website, as they do not deserve any promotion for their failure to satisfy their commitment to the City. He stated their advertisement as the “First Green Residence in Clayton” is not what Clayton should promote if the City expects to be a credible leader in true sustainable development.

Chairman Sanger asked if there is any enforcement on this.

Catherine Powers replied “no”, as the project was not approved as a PUD. She indicated that Tyler Stephens stated that the building, with the exception of the restaurant, participates in recycling.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 7:10 p.m.

---

Recording Secretary